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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,644	03/23/2004	Gregory P. Hertrich	495812005200	3898
25226 7590 04/04/2007 MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018			EXAMINER KAYRISH, MATTHEW	
			ART UNIT 2627	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/807,644	<b>Applicant(s)</b> HERTRICH, GREGORY P.	
	<b>Examiner</b> Matthew G. Kayrish	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                                  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 3/8/2007, with respect to the rejection(s) of claim(s) 1-11 under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn and the previous office action is vacated. However, upon further consideration, a new ground(s) of rejection is made in view of Akiyama et al (US Patent Number 5406547). Claims 1-11 remain pending. Claim 12 has been canceled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Akiyama et al (US Patent Number 5406547).

Regarding claim 1, Akiyama et al disclose:

A data storage cartridge, comprising:

A storage medium (column 2, lines 16-20);

A housing (figure 1, item C) having at least one media access aperture (figure 2, item 9), the storage medium being provided within the housing such that at least one

media access aperture exposes a surface of the storage medium (column 6, lines 20-24); and

A shutter assembly (figure 3, item 10) movable from a closed position to an open position (figures 1/2 display open/closed), said shutter assembly comprising:

A cover (figure 3, item 10) configured to cover at least one media access aperture when the shutter assembly is in the closed position (figure 1) and to expose at least one media access aperture when the shutter assembly is in the open position (figure 2); and

A shutter cam (figure 3, item 14) coupled to the cover (column 6, lines 14-18), said shutter cam including a lock assembly (figure 22, item 55) and a cam portion (figure 3, item 19), wherein the lock assembly and the cam portion move with the shutter assembly (figure 3, item 19 and 55 are integral with item 14, therefore will move with it).

Regarding claim 2, Akiyama et al disclose:

The data storage cartridge of claim 1, wherein said storage medium comprises a rotatable disk-shaped storage medium (column 1, lines 14-18).

Regarding claim 3, Akiyama et al disclose:

The data storage cartridge of claim 2, wherein at least one media access aperture exposes a radial region of the storage medium (column 1, lines 18-23).

Regarding claim 4, Akiyama et al disclose:

The data storage cartridge of claim 2, wherein said housing comprises:

A first media access aperture (figure 33, item 6 [Upper Shell] and aperture [9]) on a top side of the housing exposing a top side of a first radial region of the storage medium (column 1, lines 18-23); and

A second media access aperture (figure 34, item 7 [Lower Shell] and aperture [9]) on a bottom side of the housing exposing a bottom side of the first radial region of the storage medium (column 1, lines 18-23).

Regarding claim 5, Akiyama et al disclose:

The data storage cartridge of claim 1, wherein said storage medium comprises a holographic storage medium (column 1, lines 11-13).

Regarding claim 6, Akiyama et al disclose:

The data storage cartridge of claim 1, wherein:

Said lock assembly comprises a lock actuator (figure 22, item 59) having a locked position (figure 22, actuator [59] is in up position) and an unlocked position (actuator [59] is in the down position), such that when said lock actuator is in the locked position, the shutter assembly is inhibited from moving from the closed position to the open position, and when said lock actuator is in the unlocked position, the shutter assembly is permitted to move from the closed position to the open position (column 10, lines 37-56).

Regarding claim 8, Akiyama et al disclose:

The data storage cartridge of claim 6, wherein:

Said lock actuator comprises a projection (figure 30, item 60) that protrudes from a lock actuator aperture (figure 23, item 19 has hole) when the lock actuator is in the

locked position (column 10, lines 37-44) and is recessed from the lock actuator aperture when the lock actuator is in the unlocked position (column 10, lines 57-67).

Regarding claim 9, Akiyama et al disclose:

The data storage cartridge of claim 8, wherein:

Said shutter cam defines a detent on a side of the housing (figure 23, item 19 forms a detent); and

Said lock actuator aperture is provided within the detent (See figure 23, hole in detent [19]).

Regarding claim 10, Akiyama et al disclose:

The data storage cartridge of claim 9, wherein:

Said detent is defined by at least a back side (figure 24, item 53) and two opposing sides (figure 27, items 54 and 55); and

Said lock actuator aperture is provided on one of the two opposing sides (figure 24, dashed lines represent aperture).

Regarding claim 11, Akiyama et al disclose:

The data storage cartridge of claim 1, wherein at least one media access aperture exposes a partial surface of the storage medium (column 1, lines 18-21).

Claims 1, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Akiyama et al.

Regarding claim 1, Akiyama et al disclose:

A data storage cartridge, comprising:

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A storage medium (column 2, lines 16-20);

A housing (figure 1, item C) having at least one media access aperture (figure 2, item 9), the storage medium being provided within the housing such that at least one media access aperture exposes a surface of the storage medium (column 6, lines 20-24); and

A shutter assembly (figure 3, items 10) movable from a closed position to an open position (figures 1/2 display open/closed), said shutter assembly comprising:

A cover (figure 3, item 11) configured to cover at least one media access aperture when the shutter assembly is in the closed position (See figure 1) and to expose at least one media access aperture when the shutter assembly is in the open position (See figure 2); and

A shutter cam (figure 22, item 14) coupled to the cover (figure 3, shutter cam [14] is coupled to cover [11] by screws [17]), said shutter cam including a lock assembly (figure 22, item 55) and a cam portion (figure 22, item 19), wherein the lock assembly and the cam portion move with the shutter assembly (figure 3, item 19 and 55 are integral with item 14, therefore will move with it).

Regarding claim 6, Akiyama et al disclose:

The data storage cartridge of claim 1, wherein:

Said lock assembly comprises a lock actuator (figure 22, item 55) having a locked position (figure 1, actuator [55] is in locked position) and an unlocked position (figure 2, actuator [14] is in the unlocked position), such that when said lock actuator is in the locked position, the shutter assembly is inhibited from moving from the closed

position to the open position, and when said lock actuator is in the unlocked position, the shutter assembly is permitted to move from the closed position to the open position (column 10, lines 47-50).

Regarding claim 7, Akiyama et al disclose:

A direction of movement of the lock actuator (figure 22, item 55) from the locked position (figure 1) to the unlocked position (figure 2) is the same as a direction of movement of the shutter assembly from the closed position to the open position (lock actuator [55] is coupled to shutter assembly [10] via screws [17], therefore will move with shutter assembly, and will also actuate in the same direction as the shutter movement).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

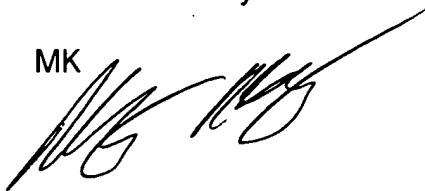
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

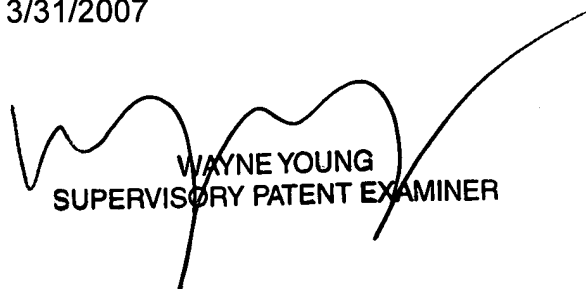
Matthew G. Kayrish

3/31/2007

MK



3/31/2007



WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER